

12-19-07

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EXPRESS MAIL NO.: EV 544 896 488 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Confirmation No.: 6595

Application No.: 09/716,960

Group Art Unit: 1647

Filed: November 21, 2000

Examiner: DeBerry, Regina M.

For: METHODS FOR TREATMENT OF
NEURODEGENERATIVE CONDITIONS BY
PERIPHERALLY ADMINISTERED
ERYTHROPOIETIN

Attorney Docket No.: 10165-009-999

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/RMD/ 02/14/2008 (02/14/2008)

AMENDMENT UNDER 37 C.F.R. § 1.116

MAIL STOP AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated October 16, 2007, and in accordance with 37 C.F.R. § 1.116, please enter the following amendments and consider the following remarks. Applicants submit concurrently herewith: i) an Amendment Fee Transmittal (in duplicate); and ii) a copy of the reference Calafiore *et al.*, 1996, "Left Anterior Descending Coronary Artery Grafting via Left Anterior Small Thoracotomy Without Cardiopulmonary Bypass," *Ann Thorac Surg* 61:1658-65 (Exhibit A; "Calafiore").

Statement of Substance of Interview begins at page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.

STATEMENT OF SUBSTANCE OF INTERVIEW

At the outset, Attorneys for Applicants thank Primary Examiner Allen and Examiner DeBerry for their courtesies extended during the telephonic interview of December 5, 2007 (the "Interview") in connection with the instant application. Applicants were represented at the Interview by Laura A. Coruzzi, Eileen E. Falvey, and Tracy J. LaGrassa of Jones Day.

During the Interview, Attorneys for Applicants and Primary Examiner Allen and Examiner DeBerry discussed the outstanding written description/new matter rejections made in the final Office Action mailed October 16, 2007 (the "Office Action"). In particular, support in the specification for rejected claims 11-14 and possible amendments to the claims to overcome and/or obviate the rejections were discussed. Primary Examiner Allen and Examiner DeBerry indicated that they would consider the suggested amendments presented herein.

The amendments presented herein reflect suggestions made by the Examiners and the content of the discussion during the Interview.